

12-03-01

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Practitioner's Docket No. 791_065 CON

PATENT

NEW APPLICATION TRANSMITTAL

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, Box Patent Application on November 29, 2001 under "EXPRESS MAIL" mailing label number EL 65014 9244 US.

Janet M. Stevens



Box Patent Application
Assistant Commissioner for Patents
Washington D.C. 20231

Transmitted herewith for filing is the patent application of:

Inventor 1: Hiroshi Nemoto
Address: 126-401, Myoen-cho, Minami-ku,
Nagoya-city, Aichi-prefecture, 457-0022 JAPAN

Inventor 2: Kenshin KITO
Address: 211-2, Ubakoyama 4-chome, Midori-ku,
Nagoya-city, Aichi-prefecture, 458--0830 JAPAN

TITLE: LITHIUM SECONDARY BATTERY

1. Type of Application

This is a request for filing a *CONTINUATION* under 37 C.F.R. §1.53(b), of pending prior application:

Serial No.: 09/406,592, Prior Art Unit: 1745
Filed: September 27, 1999, Prior Examiner: S. Tsang
Title: LITHIUM SECONDARY BATTERY
Inventors: Hiroshi Nemoto and Kenshin Kitoh.

2. Papers Enclosed

A. Required for filing date under 37 CFR 1.53(b) (Regular) are:

- 19 Page(s) of Specification
- 1 Page(s) of Claims
- 1 Page(s) of Abstract
- 2 Sheets of Formal Drawings (Figs. 1-3)

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B. Other Papers Enclosed

- ☒ A Patent Application Bibliographic Data Sheet
- ☒ A Preliminary Amendment
- ☒ A copy of the Declaration and Power of Attorney from the prior application
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449

3. The correspondence address for this application is: Customer No.: 025191

Telephone: (315) 233-8300
 Facsimile: (315) 233-8320

Electronic Mail: stevej@macklaw.com

4. Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)

- ☐ Applicants hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.
- ☐ Applicants hereby request that the attached application **not be** published under 35 U.S.C. 122(b).

5. Relate Back**A. 35 U.S.C. 119(e)**

- ☐ Priority of provisional application Serial No. filed , is hereby claimed under 35 U.S.C. §119(e).

B. 35 U.S.C. 120, 121 and 365(c)

- ☒ Priority of said prior application 09/406,592 is hereby claimed under 35 U.S.C. §120.

C. 35 U.S.C. 119 Priority Claim for Prior Application

- ☒ Priority of foreign application(s) is hereby claimed under 35 U.S.C. §119 as follows:
 10-294559 filed October 1, 1998
 - ☒ A certified copy of the above corresponding foreign application was filed in prior application Serial No. 09/406,592 on September 27, 1999.
 - ☐ A certified copy of the above corresponding foreign application is filed herewith.

6. Declaration or Oath (including Power of Attorney)

The power of attorney in the prior application is to Stephen P. Burr, Reg. No. 32,970:

- ☐ The power appears in the New Power of Attorney form filed herewith.
☒ A copy of the power in the prior application is enclosed.
☐ Power filed in the previous case - no new power is necessary.

7. Inventorship Statement

The inventorship for all the claims in this application are:

- ☒ the same.
☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted.
☐ will be submitted.

8. Assignment

The prior application is assigned of record to NGK INSULATORS, LTD. at Reel 010295, Frame(s) 0835 (recorded 09/27/1999).

9. Small Entity Status

- ☐ Applicant(s) claim(s) small entity status. See 37 C.F.R. § 1.27.

10. The filing fee has been calculated as shown below:

A. Filing Fee	
<input checked="" type="checkbox"/> Original Patent Application (37 C.F.R. 1.16(a) --\$740.00; Small Entity--\$370.00)	\$ <u>740.00</u>
B. Fees for Claims (14 Claims; 2 Indep.)	
<input type="checkbox"/> each independent claim in excess of 3 (37 C.F.R. 1.16(b) --\$84.00; small entity--\$42.00)	\$ <u>.00</u>
<input type="checkbox"/> each claim in excess of 20 (37 C.F.R. 1.16(c) --\$18.00; small entity--\$9.00)	\$ <u>.00</u>
<input type="checkbox"/> multiple dependent claim(s) (37 C.F.R. 1.16(d) --\$270.00; small entity--\$135.00)	\$ <u>.00</u>
Total Fees Due	\$ 740.00

**11. Payment of Fees and Authorization to Charge Additional Fees
or Credit Overpayment**

- ☒ A check in the amount of \$740.00 is enclosed.
☐ Charge Deposit Account 50-1446 in the amount of .
☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446. A duplicate copy of this sheet is enclosed.
☒ Any additional filing fees required under 37 CFR 1.16.
☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

November 29, 2001

Date



Kevin C. Brown

Reg. No. 32,402

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